

REMARKS**Summary of the Office Action**

In the Office Action, claim 1 stands rejected under 35 U.S.C. 112, 1st Paragraph.

Claims 1-3, 7, 10 and 16-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,526,083 to *Barry* in view of U.S. Patent No. 5,065,566 to *Gates*.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Barry* and *Gates* further in view of U.S. Patent No. 6,722,284 to *Gustafson*.

Summary of the Response to the Office Action

Applicant proposes amending claims 1, 7, 10 and 16, and adding new claims 22-37. Accordingly, claims 1-3, 5, 7, 10, 16 and 18-20 (claims 4, 6, 8, 9, 11-15, 17 and 21 being canceled) are believed to be in condition for allowance and are pending for further consideration.

35 U.S.C. 112, 1st Paragraph Rejection

In the Office Action, claim 1 stands rejected under 35 U.S.C. 112, 1st Paragraph.

Applicant respectfully notes that as recited in independent claim 1 “deflection of said bracket” and discussed in Paragraphs 11, 15 and 32 of the original specification, bracket 78 may deflect. Specifically, as discussed in Paragraph 32:

“...bracket 78 may be resiliently mounted onto vehicle 12 by means of a conventional spring, such as a coil spring, or preferably a torsion spring 90 adjacent edge 92, so as to enable the resilient deflection thereof by a predetermined amount upon contact with a stationary object so as to prevent inadvertent damage to the stationary object by trimming unit 46. Alternatively, bracket 78 may itself be made

of a material which resiliently deflects a predetermined amount upon contact with a stationary object.”

Applicant therefore requests withdrawal of the 35 U.S.C. 112, 1st Paragraph of independent claim 1.

All Claims are Allowable

In the Office Action, claims 1-3, 7, 10 and 16-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,526,083 to *Barry* in view of U.S. Patent No. 5,065,566 to *Gates*. Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Barry* and *Gates* further in view of U.S. Patent No. 6,722,284 to *Gustafson*. Applicant traverses the rejection of pending claims 1-3, 5, 7, 10, 16 and 18-20 for the following reasons.

With regard to independent claim 1, Applicant respectfully asserts that *Barry*, *Gates* and *Gustafson*, viewed either singly or in combination, fail to teach or fairly suggest, *inter alia*, a trimming system for a user-operated ground vehicle capable of performing mowing and trimming operations, the system including, “drive means operatively coupled to a drive system of the vehicle having said trimming system mounted thereon; a trimming unit operatively coupled to said drive means for performing edge trimming operations, and a guide wheel mounted to a vehicle frame adjacent said trimming unit for maintaining said trimming unit at a predetermined distance from a stationary object during performance of said edge trimming operations, said guide wheel being mounted on a resiliently biased bracket, said bracket being fixedly mounted to the vehicle frame and resiliently biased by a spring mounted between the vehicle frame and said bracket for allowing material and spring biased deflection of said bracket by a predetermined distance under the bias of said spring relative to said trimming unit and the vehicle frame upon contact of said guide wheel with the stationary object, wherein said trimming unit

including a spindle having at least one trimming wire for enabling performance of said edge trimming operations during rotation of said spindle, said spindle being coupled to said trimming unit by a threaded shaft to enable height adjustment of said spindle by rotation of said spindle relative to said shaft.”

Support for these features recited in claim 1 can be found at least in paragraphs 10-15 and 26-43 of the originally filed specification, and in Figs. 1-3 of the originally filed drawings. Specifically, as shown in Figs. 1-3, the present invention provides a trimming system 16 for a user-operated ground vehicle 12 capable of performing mowing and trimming operations. The system may include a drive means operatively coupled to a drive system of the vehicle having the trimming system mounted thereon. The system may further include a trimming unit 46 operatively coupled to the drive means for performing edge trimming operations. As clearly illustrated in Fig. 1, a guide wheel 74 is mounted to a vehicle frame 18 adjacent trimming unit 46 for maintaining the trimming unit at a predetermined distance from a stationary object 76 during performance of edge trimming operations. Guide wheel 74 is mounted on a resiliently biased bracket 78, which as illustrated in Fig. 1, is fixedly mounted to the vehicle frame and resiliently biased by torsion spring 90 mounted between the vehicle frame and the bracket for allowing material and spring biased deflection of the bracket by a predetermined distance under bias of the spring relative to the trimming unit and the vehicle frame upon contact of the guide wheel with the stationary object. The trimming unit includes a spindle 64 having at least one trimming wire 62 for enabling performance of said edge trimming operations during rotation of the spindle, with the spindle being coupled to the trimming unit by a threaded shaft to enable height adjustment of the spindle by rotation of the spindle relative to the shaft.

With regard to independent claim 1, the Office Action asserts that *Barry and Gates* teach or suggest the trimming system as recited in the claims.

With regard to *Barry*, the Office Action indicates:

- a guide wheel (230) mounted to a vehicle frame (at 12) adjacent the trimming unit (60a) for maintaining a trimming wire at a predetermined distance from a stationary object (14), the guide wheel (230) mounted on a resiliently biased bracket (shown at 232)
- wherein the bracket (232) is fixedly mounted to the vehicle frame (12) and resiliently biased by a spring (235) mounted between the vehicle frame (12) and the bracket (at 232) for allowing spring biased deflection of the bracket (232) by a predetermined distance under the bias of the spring (235) relative to the trimming unit (60a) and the vehicle frame (12) upon contact of the guide wheel (230) with the stationary object (14)
- wherein said bracket (232) permits the predetermined deflection of said guide wheel (230) to thus enable a user to operate the vehicle (12) at a full speed in the vicinity of stationary objects (14).

Applicant respectfully asserts the above holding is based on an inaccurate interpretation of *Barry*.

Specifically, as shown in Figs. 10, 11 and 12A-12D of *Barry*, *Barry* discloses a "post mower" which includes a trip arm 230 pivotally fixed at axis 232, (Col. 7:20-21). Trip arm 230 is "formed to extend a lever arm 234 generally rearwardly and trip arm 230 is biased forward by means of a coil spring 235," (Col. 7:21-24). "An adjustably extendable cam roller 236 is supported by lever arm 234," (Col. 7:24-25). "A cam 238 is affixed to pivot post 196 which is rigidly secured for movement with inner support arm 194," (Col. 7:25-27). "The cam 238 extends into contact with cam roller 236 and it is formed with a

characteristic shape which enables a desired operation of inner support arm 194 with respect to the trip arm 230...,” (Col. 7:27-30).

As further discussed in Col. 7:42 – Col. 8:8 and illustrated in Figs. 12A-12D, *Barry* discusses the method by which trip arm 230 urges cam roller 236 inwards against cam 238 to pivot inner support arm 194 outboard against the tension of spring 223, (Col. 7:49-53). This pivoting action of inner support arm 194 forces outer support arm 198 out and around post 14, during which contact of post 14 with cutter housing 204a forces cutter housing 204b forward and around the outside of post 14, (Col. 7:54-60). The passive effect of the tractor movement tends to drag cutter head 202 around post 14 to effect a circular cutter movement, (Col. 7:60-63). As shown in Figs. 12A-12D, these features allow cutter housing 204a and 204b to wrap and trim around post 14.

Thus contrary to the Office Action, trip arm 230 is not a “guide wheel” as held in the Office Action. Axis 232, denoted “bracket 232” in the Office Action or trip arm 230 is not “fixedly mounted” to the vehicle frame as held in the Office Action, but is instead pivotally mounted at axis 232, (see Col. 7:20-21). Thus there is no “material and spring biased” deflection of the bracket, as also recited in independent claim 1. Moreover, contrary to the recitation in new claims 31-36, the devices of *Barry* and *Gates* (discussed below) are designed to work only with round posts (see Figs. 6A-6D, 7-9 and 12A-12D of *Barry* and exemplary discussion in Col. 2:58-62, and Abstract of *Gates*).

With regard to independent claim 1, Applicant therefore respectfully asserts that *Barry* fails to teach or fairly suggest, *inter alia*, a trimming system for a user-operated ground vehicle capable of performing mowing and trimming operations, the system including, “drive means operatively coupled to a drive system of the vehicle having said trimming system mounted thereon; a trimming unit operatively coupled to said drive means for performing edge trimming operations, and a guide wheel mounted to a vehicle frame adjacent said trimming unit for maintaining said trimming unit at a predetermined

distance from a stationary object during performance of said edge trimming operations, said guide wheel being mounted on a resiliently biased bracket, said bracket being fixedly mounted to the vehicle frame and resiliently biased by a spring mounted between the vehicle frame and said bracket for allowing material and spring biased deflection of said bracket by a predetermined distance under the bias of said spring relative to said trimming unit and the vehicle frame upon contact of said guide wheel with the stationary object, wherein said trimming unit including a spindle having at least one trimming wire for enabling performance of said edge trimming operations during rotation of said spindle, said spindle being coupled to said trimming unit by a threaded shaft to enable height adjustment of said spindle by rotation of said spindle relative to said shaft.”

As further recited in dependent claim 20, “wherein said bracket permits the predetermined deflection of said guide wheel to thus enable a user to operate the vehicle at a full speed in the vicinity of stationary objects,” and discussed above and illustrated in Figs. 12A-12D of *Barry*, for the *Barry* device, it would be impossible for a user to operate a vehicle at full speed as impact of trip arm 230 and cutter housing 204a and 204b with object 14 would almost instantly destroy trip arm 230, cutter housing 204a and 204b as these elements are required to contact and rotate around object 14, thus requiring an operator to slow the mower down to a predetermined speed and then increase the mower speed after cutting around object 14.

Gates, which has been cited as disclosing a threaded shaft for enabling height adjustment of the guide wheel or spindle, and *Gustafson*, which has been cited as disclosing a nylon guide wheel as recited in dependent claim 5, nevertheless fail to overcome the aforementioned deficiencies in the teachings of *Barry*.

As pointed out in M.P.E.P. § 2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art”. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). Since this criterion has not

been met, Applicant respectfully asserts that the rejections under 35 U.S.C. § 103 (a) should be withdrawn because *Barry*, *Gates* and *Gustafson* do not teach or suggest each feature of independent claim 1.

In view of the above arguments, Applicant respectfully requests the rejection of independent claim 1 under 35 U.S.C. § 103 be withdrawn. Additionally, claims 2, 3, 5 and 20, which depend from independent claim 1, are allowable at least because their base claim is allowable, as well as for the additional features recited therein.

Independent claim 7

With regard to independent claim 7, Applicant respectfully asserts that *Barry*, *Gates* and *Gustafson*, viewed either singly or in combination, fail to teach or fairly suggest, *inter alia*, a trimming system for a user-operated ground vehicle capable of performing mowing and trimming operations, the system including, “drive means operatively coupled to a drive system of the vehicle having said trimming system mounted thereon; a trimming unit operatively coupled to said drive means for performing edge trimming operations, and a guide wheel mounted on a driven axle of said trimming unit for maintaining said trimming unit at a predetermined distance from a stationary object during performance of said edge trimming operations, said guide wheel being mounted on the vehicle by a threaded shaft to enable height adjustment of said guide wheel by rotation of said guide wheel relative to said shaft.”

Applicant respectfully asserts that independent claim 7 is allowable for at least the reasons presented above for the allowance of independent claim 1, and the additional features recited therein. In the interest of avoiding redundant arguments, the reasons for allowance of independent claim 7 are not repeated herein.

Independent claim 10

With regard to independent claim 10, Applicant respectfully asserts that *Barry, Gates and Gustafson*, viewed either singly or in combination, fail to teach or fairly suggest, *inter alia*, a trimming system for a user-operated ground vehicle capable of performing mowing and trimming operations, the system including, “drive means operatively coupled to a drive system of the vehicle having said trimming system mounted thereon; a trimming unit operatively coupled to said drive means for performing edge trimming operations, and a guide wheel mounted to a vehicle frame adjacent said trimming unit for maintaining said trimming unit at a predetermined distance from a stationary object during performance of said edge trimming operations, said guide wheel being mounted on a resiliently biased bracket, said bracket being fixedly mounted to the vehicle frame and resiliently biased by a spring mounted between the vehicle frame and said bracket for allowing material and spring biased deflection of said bracket by a predetermined distance under the bias of said spring relative to said trimming unit and the vehicle frame upon contact of said guide wheel with the stationary object, wherein said trimming unit being coupled to the vehicle by a threaded shaft to enable height adjustment of said trimming unit by rotation of said trimming unit relative to said shaft.”

Applicant respectfully asserts that independent claim 10 is allowable for at least the reasons presented above for the allowance of independent claim 1, and the additional features recited therein. In the interest of avoiding redundant arguments, the reasons for allowance of independent claim 10 are not repeated herein.

Independent claim 16

With regard to independent claim 16, Applicant respectfully asserts that *Barry, Gates and Gustafson*, viewed either singly or in combination, fail to teach or fairly suggest,

inter alia, a mowing and trimming system including, “a drive unit including at least one drive and driven pulley, said drive pulley being operatively coupled to said driven pulley to at least one of selectively and simultaneously drive a mowing unit for performing mowing operations and a trimming unit for performing edge trimming operations, and a guide wheel mounted on a driven axle of said trimming unit for maintaining said trimming unit at a predetermined distance from a stationary object during performance of said edge trimming operations, wherein said guide wheel being mounted on a vehicle having said mowing and trimming system mounted thereon, said guide wheel being mounted by a threaded shaft to enable height adjustment of said guide wheel by rotation of said guide wheel relative to said shaft,” as recited in independent claim 16.

Applicant respectfully asserts that independent claim 16 is allowable for at least the reasons presented above for the allowance of independent claim 1, and the additional features recited therein. In the interest of avoiding redundant arguments, the reasons for allowance of independent claim 16 are not repeated herein. Additionally, claims 18 and 19 which depend from independent claim 16, are allowable at least because their base claim is allowable, as well as for the additional features recited therein.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 04-2223. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

DYKEMA GOSSETT PLLC

Dated: November 13, 2008

By: /s/Adesh Bhargava
Adesh Bhargava
Reg. No. 46,553

DYKEMA GOSSETT PLLC
1300 I Street, N.W., Suite 300 West
Washington, D.C. 20005
(202) 906-8696